

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRITON IP, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION, ET. AL.,

Defendants.

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Civil Action No. 6:06-CV-192 (LED)

JURY DEMANDED

TRITON IP, LLC'S REPLY TO MICROSOFT CORPORATION'S COUNTERCLAIMS

TRITON IP, LLC ("Triton"), plaintiff in the above-entitled and numbered civil action, files its reply to Microsoft Corporation's counterclaims filed on August 7, 2006, and states as follows:

32. Triton admits the allegations in paragraph 32.
33. Triton admits the allegations in paragraph 33.
34. Triton admits the allegations in paragraph 34.
35. Triton admits the allegations in paragraph 35.
36. Triton admits the allegations in paragraph 36.
37. Microsoft Corporation incorporated by reference its answers and affirmative defenses, which require no reply.
38. Triton admits the allegation in paragraph 38 that an actual or justiciable controversy exists. Triton, however, denies the remaining allegations in paragraph 38.
39. Triton denies the allegations in paragraph 39.

- 40. Triton denies the allegations in paragraph 40.
- 41. Microsoft Corporation incorporated by reference its answers and affirmative defenses, which require no reply.
- 42. Triton admits the allegation in paragraph 42 that an actual or justiciable controversy exists. Triton, however, denies the remaining allegations in paragraph 42.
- 43. Triton denies the allegations in paragraph 43.
- 44. Triton denies the allegations in paragraph 44.

REPLY TO “PRAYER FOR RELIEF”

- 45. Triton denies that Microsoft is entitled to any relief whatsoever, and, therefore, denies Microsoft’s prayer in its entirety.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Triton requests the following relief:

- a. The dismissal of Microsoft’s counterclaims for declaratory relief;
- b. Judgment finding that Microsoft infringes the patents subject to this suit;
- c. Judgment finding that the patents subject to this suit are valid and enforceable;
- d. An award of Triton’s attorney’s fees and costs, together with pre-judgment and post-judgment interest in the maximum amount provided by law; and
- e. All other relief to which Triton may be entitled.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 28th day of August, 2006.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton